

Open Minutes

Missouri State Board of Optometry

**October 13, 2001
The Lodge of Four Seasons
Lake Road HH
Lake Ozark, Missouri**

The open meeting of the Missouri State Board of Optometry was called to order by Dr. Max T. Aldrich, President, at approximately 9:00 a.m. on Saturday, October 13, 2001 at The Lodge of Four Seasons, Lake Road HH, in Lake Ozark, Missouri.

BOARD MEMBERS PRESENT:

Dr. Max T. Aldrich, President
Dr. Karen B. Rosen, Vice President
Dr. Cathy L. Frier, Secretary
Dr. Harold L. Poynter, III, Member
Dr. Larry D. Snider, Member
Ms. Vickie E. Young, Public Member

STAFF MEMBERS PRESENT:

Sharlene Rimiller, Executive Director

LEGAL COUNSEL PRESENT:

Ms. Elena Vega, Assistant Attorney General
Mr. Glenn E. Bradford, Private Legal Counsel

GUESTS:

Pam Wissman, Wal-Mart Vision Centers

To better track the order in which items were taken up on the agenda, each item in the minutes will be listed in the order it was discussed in the meeting.

APPROVAL OF THE AGENDA

A motion was made by Dr. Rosen and seconded by Dr. Poynter to approve the agenda with one correction, removal of the probation violation hearing scheduled at 1:30 p.m. Motion carried unanimously.

APPROVAL OF MINUTES

A motion was made by Dr. Snider and seconded by Dr. Frier that the minutes of the July 14, 2001 meeting be approved as written. Motion carried unanimously.

EXECUTIVE DIRECTOR REPORT

Mrs. Rimiller presented the Board with the following financial statement for FY-01 year-end.

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|--|--------------------|--------------------|--|---------------------|
| <u>Beginning Fund Balance</u> | | | | \$157,009.06 |
| Revenue (7/1/00 to 6/30/01) | | | | <u>\$131,769.25</u> |
| Fund Balance Sub Total | | | | \$288,778.31 |
| | | | | |
| Appropriations to Board: | | | | |
| | | | | |
| Personal Service | \$46,446.00 | | | |
| Expense & Equipment | <u>\$42,604.00</u> | | | |
| | | | | |
| Total Appropriations | \$89,050.00 | | | |
| | | | | |
| Appropriation Expenditures: | | | | |
| | | | | |
| Personal Service | \$26,706.24 | | | |
| Expense & Equipment | <u>\$24,615.86</u> | | | |
| | | | | |
| Total Appropriation Expenditures | \$51,322.10 | \$51,322.10 | | |
| | | | | |
| Fund Transfers: (Actual for Year) | | | | |
| | | | | |
| Rent & Utilities | \$1,259.22 | | | |
| General Revenue | \$5,167.86 | | | |
| Optical Imaging | \$30.17 | | | |
| Hancock | \$1,726.00 | | | |
| DED/MIS | \$4,578.68 | | | |
| Refunds | \$214.00 | | | |
| Professional Registration | \$20,206.57 | | | |
| FY-2000 Transfers paid in FY-2001 | <u>\$1,545.95</u> | | | |
| | | | | |
| Total Transfers | \$34,728.45 | <u>\$34,728.45</u> | | |
| | | | | |
| <u>Total Fund Expenditures</u> | | \$86,050.55 | | \$86,050.55 |
| | | | | |
| <u>Ending Fund Balance</u> | | | | \$202,727.76 |
| | | | | |

Mrs. Rimiller explained that she is monitoring the Board's fund balance very carefully to ensure that funds do not lapse to General Revenue. She stated that the funds are

swept every other year and since the sweep occurred at the end of FY-01, it will not happen again until the end of FY-03. At that time, the Board will be renewing every two years so the lapse amount is anything that exceeds three times the appropriation from the Board's fund for FY-03. Mrs. Rimiller recommended that as soon as the five-year fund balance projections are made available from the Division, the Board consider scheduling a telephone conference call to discuss whether an adjustment in the renewal fee is necessary to avoid the possibility of a lapse at the end of FY-03. The Board agreed to schedule a telephone conference call for this purpose in December or early January, as long as it is not January 13-15, 2002. It was suggested that the Board members and Mrs. Rimiller develop a list of programs and/or equipment needs that have not been considered in the past because of the shortage of available funds and then discuss the need for funding these programs/equipment needs by mail ballot or on the next conference call. A couple of items mentioned to include on the list was the need for a new copy machine and paying private counsel to assist in the re-write of the optometry law.

Continuing Education Audit Update

Mrs. Rimiller provided a report to the Board on last year's continuing education audit. A total of four licensees did not respond at all to the request for continuing education documentation and five licensees did not provide sufficient documentation verifying attendance at approved continuing education programs. Two of the five licensees that did not provide sufficient documentation of continuing education credits have been referred for discipline.

Continuing Education Course Approval

The Board reviewed the list of continuing education courses approved between the date of the last meeting and the date of this meeting. Dr. Rosen asked that the Board member responsible for reviewing continuing education course approval applications look at the number of hours requested and compare that number to the number that is actually in the course outline to make sure the numbers match. Sometimes the request is for more hours than what is actually presented. A motion was made by Dr. Rosen and seconded by Dr. Poynter that the Board ratify approval of the continuing education courses on the list provided. Motion carried 4 to 0. Ms. Young chooses not to vote on continuing education course approval.

BOARD PRESIDENT'S REPORT

Dr. Aldrich provided a report regarding the Board President's meeting that was held in Columbia on September 21, 2001. A copy of the minutes were distributed for the Board's review. The focus of this meeting was intended for the Board Presidents to review and approve the Division's new cost allocation proposal but as the minutes reflect, there were several other items of interest discussed at the meeting. Although there was not an official vote taken, the Board Presidents did not express opposition to the Division's Cost Allocation proposal. In comparing the current cost allocation to the proposed cost allocation, Mrs. Rimiller was asked to explain why the transfer costs to the Division are higher for the Optometry Board compared to the transfer costs for the Dental Board. Mrs. Rimiller explained that the Optometry Board utilizes more of the

Division's services, such as investigations (including vehicle costs of CIU), financial support, and cash receiving for mail opening and processing. The Dental Board utilizes less of these services because they have their own staff that does this work. In addition, the Dental Board has a full time accounting clerk on loan to the Division and her time that is not devoted to Dental Board work is shown as a credit through the transfer system, which last year amounted to over \$19,000.

LEGISLATIVE PROPOSAL TO REGULATE THE USE OF LASERS

Dr. Snider provided a report on the meeting of the Healing Arts Board that was held in Kansas City on July 26, 2001. The purpose of the meeting was to discuss legislation to regulate the use of lasers. In summary, Dr. Snider noted that the Healing Arts Board could not reach a consensus with the other Boards represented. The optometrists want to be included in the proposal along with the dentists and podiatrists. If included, they could use lasers if lasers are within their scope of practice. The ophthalmology position was not to include optometrists because this would give them more ammunition to change their practice act. Although it seemed as if the Healing Arts Board was not going to pursue this legislation, an earlier version of the proposal has been re-circulated and they are asking for the Board's comments and concerns by October 23rd. The current draft proposal dated July 30, 2001 does not include optometrists. A motion was made by Dr. Poynter and seconded by Dr. Snider that the Board oppose the language in the Healing Arts proposal as currently written. Motion carried unanimously.

CONTINUING EDUCATION

Dr. Aldrich mentioned the fact that Missouri comes in last behind Kentucky in the number of continuing education hours required for optometrists to renew their license. A comparison of Missouri's continuing education requirements to other states was provided to the Board for review. Missouri is still at eight hours annually and Dr. Aldrich suggested that the number of hours need to be increased to come in line with the other states. Dr. Poynter recommended that the Board wait and amend the C.E. statute when there is legislation offered that opens the practice act.

VISION 2020 – THE RIGHT TO SIGHT PROGRAM

The Board reviewed the memorandum from the Association of Regulatory Boards of Optometry (ARBO) asking for support of the World Health Organization's Vision 2020 Program. A proposed resolution was provided. A motion was made by Dr. Poynter and seconded by Dr. Frier that the Board adopt the proposed resolution with appropriate modifications and forward it to the World Council of Optometry as requested. Motion carried unanimously.

CLOSURE OF THE LACRIMAL PUNCTUM BY PLUG

The Board reviewed the inquiry received from the law firm of Arnold, Newbold, Winter, Jackson & Jacoby, P.C. questioning whether TPA certified optometrists can do a procedure called, "closure of the lacrimal punctum by plug". The Board also reviewed Dr. Poynter's draft response indicating that CPT code 68761, "closure of the lacrimal punctum by plug" is within the scope of optometry practice when performed by a TPA

certified optometrist. A motion was made by Dr. Poynter and seconded by Dr. Rosen that the Board approve the draft response as written. Motion carried unanimously.

LAW COMMITTEE

Dr. Snider, Chairman of the Board's Law Committee, reported that the Missouri Optometric Association (MOA) would prefer that the Board hold off from asking their legal counsel to prepare a draft re-write of the optometry statutes at this time. Dr. Snider provided an explanation as to the MOA's position. After some discussion, the Board agreed to ask its own private legal counsel and A.G. representative to begin work in this endeavor. Dr. Snider suggested that if we could move past the hard part of defining the scope of practice and what to do about the three different levels of optometrists, the rest may fall into place easily. Dr. Snider was asked to stay on and continue chairing the Law Committee even after he is replaced on the State Board. Dr. Karen Rosen and Mrs. Rimiller will represent the Board on the committee. Dr. Poynter also agreed to serve on the committee and Dr. Snider will ask Zoe Lyle if the MOA wants continued representation on the committee. Ms. Vega provided definitions on the scope and practice of optometry as defined by federal law. The Board left further activity of the committee up to Dr. Snider's discretion. The attorneys were asked to begin their work as soon as possible.

NEXT MEETING

The Board scheduled its next meeting on Thursday, February 14, 2002, during the Heart of America, which will be at the Hyatt Regency Hotel in Kansas City, Missouri.

SUNSHINE LAW POLICY

Mrs. Rimiller presented a draft Sunshine Law policy in the form of a resolution for the Board's consideration and approval. Legal counsel advised the Board that a written policy is necessary under Missouri's Sunshine Law. A motion was made by Ms. Young and seconded by Dr. Rosen that the resolution be adopted as written. Motion carried unanimously.

CLOSED SESSION

Motion was made by Dr. Rosen and seconded by Dr. Poynter to move into closed session pursuant to section 610.021 (1) and (14) RSMo, for the purpose of discussing complaints, investigative reports, general legal actions, causes of action or litigation and any confidential or privileged communications between the Board and its attorney. Motion carried unanimously.

ADJOURNMENT

There being no further business to be brought before the Board at this time, a motion was made by Vickie Young and seconded by Dr. Snider that this meeting adjourn. Motion carried unanimously. The meeting adjourned at approximately 2:10 p.m.

Respectfully submitted,

Sharlene Rimiller, Executive Director

Approved by the Board on: _____